

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C. 20554

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In the matter of)
)
Amendment of Part 90 of the)
Commission's Rules to Facilitate)
Future Development of SMR Systems)

PR Docket No. 93-144
RM-8117, RM-8030
RM-8029

Implementation of Sections 3(n))
and 322 of the Communications Act)
Regulatory Treatment of Mobile)
Services)

GN Docket No. 93-252

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Implementation of Section 309 (j))
of the Communications Act -)
Competitive Bidding)
800 MHz SMR)

PP Docket No. 93-253

To: The Commission:

**COMMENTS OF THE STATE OF FLORIDA, DIVISION OF COMMUNICATIONS
ON BEHALF OF THE STATE OF FLORIDA, DEPARTMENT OF CORRECTIONS**

The Commission's Second Further Notice of Proposed Rulemaking in the above-referenced proceedings specifically solicited comments suggesting provisions for currently licensed non-SMR systems utilizing 800 MHz General Category channels (§ 315). Since the State of Florida, Department of Corrections (The Department) is a licensee on 36 of these channels at 46 locations throughout Florida, the State of Florida Division of Communications and the State of Florida Department of Corrections are strongly opposed to any rule provisions which would negatively impact our existing or planned use of these channels, and hereby submit the following comments on this issue.

Each of the 46 major correctional institutions located throughout the State of Florida is licensed for one of the 36 General Category channels. The Department is in the process of changing its current radio system, which uses a single VHF Low Band channel, over to 800 MHz. The VHF Low Band system is obsolete, experiences co-channel and out-of-state skip interference, as well as loss of radio signals into and out of the steel reinforced concrete institutions.

In fact, the Department already has 12 institutions operating on 800 MHz, with the remaining institutions to become operational as soon as possible. It is imperative that the Department be allowed to continue this change over to 800 MHz and that these licensed channels remain available for implementation of systems. 800 MHz, as opposed to VHF and UHF, is the only band that provides the required signal penetration into and out of the steel reinforced concrete building predominant at the major institutions. In addition, 800 MHz will provide the Department with interference free communications, a dedicated channel for localized operations, direct radio communications with local law enforcement agencies via the National and Florida Conventional Mutual Aid channels, and essential public safety features including Unit ID and emergency call capability.

The Department of Corrections will also utilize a General Category channel licensed to the Florida Division of Communications (853/808.3875 MHz — FCC channel 96) in conventional mode as a statewide mutual aid channel. This channel is currently available to all state and local public safety agencies. A waiver was granted to enable licensing without regard to loading to facilitate use of the channel. This channel has been an established resource in Florida's state and local communications planning for over a decade, and is now in use by numerous public safety agencies throughout the state. The channel was well established several years prior to development of the National Public Safety Plan, and continues to serve as an additional mutual aid resource beyond the National Plan, as well as providing a means for mutual aid communications for public safety users in the 806 to 821 MHz Band.

We further request that this freedom to continue implementation of each of the systems apply to all our stations throughout the state whether presently constructed or not, and to future additional stations which may be required in order to satisfy the overall objectives of this project. In view of the statewide nature of law enforcement operations on each of these 36 channels, we specifically request that no rule provisions be adopted which would limit our ability in the future to license any stations necessary to provide communications within each of these institutions in particular, and at any other locations within the State of Florida in general.

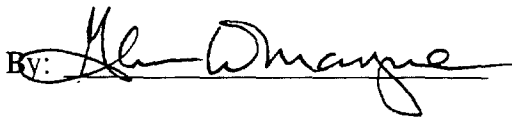
Due to the high demand for 800 MHz radio channels throughout most of Florida (the nation's 4th most populous state), spectrum in all of the land-mobile bands has been severely congested on a continuing basis. Each of the FCC's spectrum allocations to public safety over the past three decades has been followed by a flood of new applications quickly resulting in a depletion of available channels. Even the newest National Plan channels are unavailable for new licensing in the central and southern areas of the state where channel demand is highest.

Public safety agencies at all governmental levels in Florida, many of whose systems include channels in the General Category pool, have invested heavily in 800 MHz radio communications over the past two decades. Given the severe budgetary cutbacks affecting all governmental procurement combined with the burden of long budgetary cycles, it is imperative that public safety communications not be required to vacate General Category channels under any circumstances, and that all current flexibility in system modifications (changes in site locations, transmitting parameters, and operating area) be maintained.

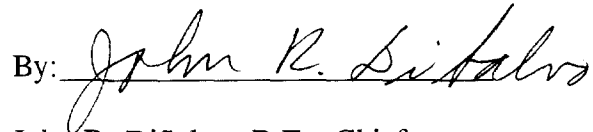
We are encouraged that the Commission has expressed a "tentative" decision not to subject existing General Category licensees to a possible spectrum relocation, but we urge in the strongest terms that public safety licensees such as ourselves continue to be allowed the flexibilities described above on these channels. Failure to maintain these conditions would have a devastating impact upon the future of public safety radio communications in Florida and elsewhere, and specifically upon law enforcement communications in our particular case.

Respectfully submitted,

State of Florida, Division of Communications on behalf of the
State of Florida, Department of Corrections

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February 13, 1996

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cc: Ron Kronenberger, Department of Corrections